

OXFORD

MAGAZINE

No. 451 Eighth Week Hilary Term 2023

Last month the Office for Students issued a 92-page Consultation document on Harassment and Sexual Misconduct. Two connected thoughts immediately come to mind. Firstly, how wise is it of the OfS to be marching into such a minefield and, secondly, should they not be better directing their energies into areas you would have thought more central to their role, such as grade inflation, maintenance of standards across HEIs (e.g. rescuing the external examiner system), implementing the Augar reforms, student fees and escalating maintenance costs, the future of the REF, the TEF, and so on and on?

How does the Consultation document justify the prioritisation of this subject?

"In March 2022, we published our strategy for 2022 to 2025 in which we described our two key areas of focus for this period that will inform our regulatory activity: quality and standards; and equality of opportunity. These are closely connected, mutually reinforcing and underpin our four primary regulatory objectives. ... Our work to address harassment and sexual misconduct is relevant to quality because of the links between students' experiences of higher education and the outcomes they achieve. It is also relevant to equality of opportunity because certain groups of students have historically been more likely to experience harassment and/or sexual misconduct on the basis of their protected characteristics".

What does it now propose?

"Selfregulation [i.e. in response to the OfS's 2021 statement of expectations] has not worked in this area".... "Following our consideration of the evidence, including the outcomes of the evaluation of the impact of our statement of expectations, we consider it is appropriate to impose requirements on registered

REGULATORY STRANGULATION

providers in relation to harassment and sexual misconduct.... We are therefore proposing to introduce a new general ongoing condition of registration for all registered providers to tackle harassment and sexual misconduct"

How did the OfS arrive at this position?

"We commissioned an independent evaluation by SUMS Consulting to understand the initial impact of the statement of expectations." (See Reminders below)

Everything depends on how you define Harassment and Sexual Misconduct; in what terms does the Consultation clarify definitions?

"We propose that our definitions of both harassment and sexual misconduct should include the meanings of those terms set out in section 26 of the Equality Act 2010.in summary: 'harassment, including sexual harassment, includes unwanted behaviour or conduct [of a sexual nature] which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.

... We have used the term 'sexual misconduct' in our proposed condition because it is a well understood term in the higher education sector, for the media and student groups. It has previously been used to cover a wide range of serious issues relating to sexual offences, including sexual harassment, sexual assault, and sexual violence. In proposing to use this broad term, we do not intend to downplay or trivialise incidents of this type or the experiences of those who have experienced sexual misconduct, but to provide a term that enables providers to address the many facets of unacceptable conduct of a sexual nature. It is for this reason that we propose to include in our definition of sexual misconduct assault and rape as defined within the Sexual Of-

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...and much more

fences Act 2003, to emphasise that sexual violence is included. Given the more limited scope of the definition in the Equality Act 2010 we consider that the use of these definitions within the Sexual Offences Act 2003 is important to ensure providers are aware of their regulatory obligations in relation to a wider range of sexual misconduct.

We consider that the combination of these definitions would cover the majority of sexual misconduct. In addition, we consider that our full proposed definition that sexual misconduct 'means any unwanted or attempted unwanted conduct of a sexual nature and includes but is not limited to [...]' ensures that where sexual misconduct does not fall within the descriptions set out in the Equality Act 2010 or in rape and assault as defined in the Sexual Offences Act 2003, it is still covered by our definition if it is unwanted or attempted unwanted conduct of a sexual nature."

The proposed reforms are summarised as follows:

- Require each registered university and college to create and publish a single document explaining: the steps it will take to protect students from harassment and sexual misconduct; its arrangements for handling incidents of harassment or sexual misconduct; the support it will provide to those involved in incidents; the training that it will provide to all students and all staff about what constitutes harassment and sexual misconduct and, in the case of staff, how to handle disclosures, formal reports, and investigations.
- Require each registered university and college to have the capacity and resources to deliver everything required by the proposed condition.
- Ensure freedom of speech and academic freedom are protected by requiring universities and colleges to continue to meet their legal and regulatory obligations in relation to both freedom of speech and harassment.
- Prohibit non-disclosure agreements that forbid students from talking about incidents of harassment or sexual misconduct that they may have experienced.
- Place regulatory requirements on universities and colleges in relation to personal relationships between students and relevant staff (for example, those involved in teaching students or marking their work). Two options are proposed here: requiring such relationships to be reported (our preferred option) and a register of relationships maintained, or a ban on relationships between students and relevant staff members.

* * *

Where to start? What should worry us most? One reason that HEIs may have failed to self regulate might be due to the broad and non-specific terms of the 2021, 6-page

*Oxford's current policy** is as follows: "staff who have any responsibility for a current student (including applicants) are:

- **Prohibited** from entering into an intimate relationship with that student;
- **Strongly discouraged** from any other close personal relationship with them which transgresses the boundaries of professional conduct.

'statement of expectations'; some universities may well have reasonably assumed they already met its terms while some may have underestimated the implications.* The elaborate, new procedures that are now going to be impossible to resist will impose very considerable burdens on all universities and on the OfS itself, not just in terms of resources and costs but also in terms of the 'policing' and 'judging' involved, with damaging effects on perceptions of trust and fairness probably more divisive and open to further challenge even than we have already experienced with the Prevent Duty. All this at the same time as the OfS is taking on new (and similarly demanding) regulatory roles regarding Freedom of Speech (see *Oxford Magazine*, No. 448, 0th Week, Hilary Term 2023); the Consultation recognises the resulting potential for conflicts of interests here. How the OfS might now coordinate with the earlier role in harassment cases of the Office of the Independent Adjudicator for Higher Education is not resolved.

The Consultation leaves open the question of whether regulations that apply appropriately to undergraduates should apply equally to graduate students, mature Masters and Extramural students, let alone post-docs who are quasi-students. A university's powers over 'visitors' who harass are left hanging. Who exactly are the "relevant" staff members mentioned in the Consultation; any definition becomes difficult given the complexity and diversity of personal interactions that are inevitably part of university life? And then there is the fundamental underlying concern; is the OfS responding to factional pressures and is it appropriate for a particular national regulator to be seeking to address problems that are in fact societal in nature?

Where, in this minefield, does the personal become protected as a purely private matter in a world of protected characteristics; and where a response to an affair gone wrong or a single malicious 'complaint' automatically entails institutional intrusion and disciplinary consequences?

* * *

The deadline for responses to the Consultation is 4th May. Given the complexity and profound implications for all staff and students of what is being proposed we ought to know who will be drafting the response for Oxford and whether Congregation (or more appropriate all University staff and students) will be able to see the draft and comment on it in good time before submission. Will individual comments in any case be responded to by the University? Will submitted responses eventually become publicly accessible?

T.J.H

If, when the policy comes into effect, a staff member is already in (or has previously been in) a relationship outlined above, they **must** notify their Head of Department by 17 June 2023 at the latest (even if the responsibility for the student has ended) so that appropriate protective steps can be taken."

**<https://hr.admin.ox.ac.uk/article/updates-to-the-staff-student-relationship-policy>



Reminders



The following extract from the OfS's Consultation document summarises the report on the outcome of the 2021 statement of expectations from an independent consulting company, which has significantly informed the approach now taken by the OfS -ed*

SUMS Consulting took a mixed methods approach, drawing on a range of research and evaluation techniques, including findings from multiple available published and unpublished documentary and data sources, findings from an online survey of a large, stratified sample of higher education providers, and consultation with a wide range of key stakeholder groups. The evaluation, which was published in November 2022, found that the statement has led to:

- a. Improvements in the policies, systems and processes that providers use to tackle this issue.
- b. Increased attention to addressing harassment and sexual misconduct, particularly in providers' senior leadership teams and governing bodies.
- c. Some excellent practice, including recruitment of specially trained staff to support victims of sexual misconduct; implementation of mandatory bystander and consent training; and work with schools and communities to ensure a joined-up approach to tackle harassment.

However, the evaluation also found that progress is inconsistent across the sector, and that there is substantial variation in the approaches of higher education providers. We have summarised concerns identified in the report:

- a. Some universities and colleges have been slower to prioritise this issue than others, with clear variations and levels of strategic maturity.
- b. There is a lack of standardised practice across the sector, including in preventing and responding to incidents. In addition, there is limited evidence that interventions are being evaluated either at the sector or individual provider level to identify what works.
- c. There is a significant lack of consistent quantitative data available about harassment and sexual misconduct affecting students, with reporting considered to be far below prevalence.
- d. Disclosures of sexual misconduct are being made, but these are not translating into formal reports and complaints.
- e. The effectiveness of providers' approaches to harassment and sexual misconduct reports is highly variable. For example, 'reporting students' outcomes and experiences of investigatory and disciplinary processes once they make a report or a formal complaint is inconsistent and generally felt to be poor and not of the professional standard that a student reporting party may reasonably anticipate'.
- f. The majority of respondents to the provider survey provide training for students and staff, but in most cases this is not mandatory. Only 70 per cent of respondents have mandatory training for at least some staff in relation to handling incident disclosures.
- g. Universities and colleges have prioritised student-to-student sexual misconduct, with more limited interventions in relation to other forms of harassment and sexual misconduct.
- h. The evaluation concluded that the statement of expectations has resulted in progress, but further regulatory intervention is needed to ensure universities and colleges

address this issue. In particular, the evaluation pointed to the need for further interventions and greater regulation in order to address the variability in the sector.

The following extracts (source references omitted) indicate some of the evidence adduced in the formulation of the Consultation -ed

In addition to these reports there have been a number of studies and surveys on the experience of higher education students and staff in relation to harassment and sexual misconduct. These surveys are often produced in response to particular issues or as part of a specific research focus. This means that the range and scale of statistics and evidence varies for students with different characteristics.

... We note that the following surveys are often sent directly to students and so present a good opportunity to understand their experience. However, this means that respondents to these surveys can be self-selecting. We also note that these surveys can report on student characteristics that do not properly match the protected characteristics in the Equality Act 2010.

- Between January and May 2022, UniSAFE coordinated the implementation of a survey among 46 participating universities and research organisations in 15 countries across Europe (three from England). This collected measurable evidence on prevalence of genderbased violence in academia and research with 42,186 respondents, 57 per cent of whom were students. 31 per cent of respondents reported experiencing sexual harassment. Students who had experienced gender-based violence were likelier to miss classes and consider leaving university.
- A research briefing published by the House of Commons library in February 2022 drew on research which identified LGBTQ+ and disabled students to be disproportionately affected by unwanted sexual behaviour. A study by the NUS into further education students showed that disabled students and LGBT+ respondents were more likely to have experienced sexual harassment. Furthermore, the House of Commons report cited research indicating that 61 per cent of non-binary university students had experienced sexual violence, and that transgender people experience sexual harassment at very high rates.
- In 2019, Brook conducted a survey of 5,469 UK university students. 49 per cent of female respondents said they had been touched inappropriately and only 5 per cent had reported.
- In 2018 an online survey conducted by the NUS and the 1752 Group, with 1,839 survey respondents made up of current and former students. 41 per cent of respondents had had at least one experience of sexualised behaviour from staff, and a further 5 per cent knew of someone else experiencing this. The report on the findings also found that students with some characteristics (for instance relating to sex, sexual orientation or level of study) are disproportionately likely to experience sexual misconduct in higher education. Just under a fifth of women who had experienced sexual misconduct reported experiencing mental health problems.

**Available via the Office for Students website*

The Prospect of Designer Babies

A Discussion

*Professor Eben Kirksey has been deeply involved in the extraordinary saga of the first inheritable genetic manipulation of a human embryo. He has authored a book on the subject: 'The Mutant Project' (2022) and had hoped soon to engage Dr He in in-person discussions in Oxford. Pending this possibility, Oxford Magazine raised some of the issues with Professor Kirksey**

Why did you choose to become interested in this general subject area before the Jiankui He story broke?

In 2015 I was teaching a class called "Human Nature: A Multispecies Relationship" at Princeton University. I was in the early stages of developing a book project about how developments in the biological sciences – related to epigenetics, the microbiome, and gene editing – were transforming our understanding of the human condition. A friend who knew that I was interested in CRISPR gene editing invited me along to a Summit that was happening in December of that year at the National Academies of Science in Washington D.C. At the Summit I met a number of the key players in the gene editing story – from Jennifer Doudna to people from big companies like Novartis. After the Summit I realized that I had enough material at my disposal to focus my new book project on gene editing. This started my international journey to meet the key scientists, lobbyists, and entrepreneurs who were propelling gene editing technologies into medical clinics.

In 2015 it seemed like CRISPR was mostly investor hype, with few concrete clinical applications. So initially I started studying clinical trials involving another gene "editing" technology called Zinc Fingers. I am a medical anthropologist and my core work involves telling the stories of patients. In order to understand the patient experience of gene editing clinical trials, I started conducting interviews with people who signed up for the world's "first in man" gene editing experiment – a study run by Sangamo, a small company in the San Francisco Bay Area. The Sangamo study aimed to treat HIV patients by using Zinc Fingers to delete the gene for CCR5, a receptor that the HIV virus uses to infect cells. My work among the Sangamo patient cohort attracted the attention of the people who were organizing the Second International Summit on Human Genome Editing that took place in Hong Kong in 2018. During the ethics panel of the Summit I spoke about some of the ethical missteps of Sangamo – they were putting profits ahead of patient health and well-being.

The news about Jiankui He's experiment broke on the eve of the Hong Kong summit. He used CRISPR to target CCR5, the same receptor that Sangamo edited out of patients with Zinc Fingers, basically combining CRISPR gene editing with standard in vitro fertilization proce-

dures. Since I was already an expert on gene editing and CCR5, I decided to do an in-depth anthropological study of Dr. He's laboratory. After he was taken to jail, I gained the trust of some employees who worked in his laboratory, members of his extended family, as well as patients who signed up for his experiment. I used my theoretical and methodological tools from medical anthropology to explore critical questions about the values that were animating the innovation economy. I found that Dr. He was importing values from Silicon Valley, where he was trained as a postdoc at Stanford. In Dr. He's lab, the PhD students and postdocs were encouraged to "move fast and break things." In short, I found that Dr. He was on a quest for fame and fortune. Like Sangamo, he was putting profits ahead of patient health and well-being.

Dr. He was still in jail when I published my book: *'The Mutant Project: Inside the Global Race to Genetically Modify Humans'*. After he was released from prison, I was surprised that he was willing to speak with me – since I detailed some of his critical ethical and medical missteps in the book.

On 11th February Dr He was invited to a virtual forum sponsored by University of Kent to discuss his 2018 application of CRISPR gene editing techniques in human embryos. How would you characterise his presentation and reactions to it?

Dr. He was presenting in front of a small audience at a university in Wuhan, and I was part of the virtual audience – watching from my home in Oxford. It was a select group of people who were in the room – bioethics scholars, gene editing experts, and medical anthropologists like myself. The presentation clearly wasn't intended for us. It was full of empty hype about CRISPR and how gene editing would transform agriculture and medicine. The talk felt like a pitch to school children, or potential investors, who might get excited about vague promises related to cutting-edge technology. He said that he would be developing a new gene therapy for Duchenne's Muscular Dystrophy, but that part of his talk was very thin on the scientific and medical details. After the talk he refused to answer any questions. Dr. He recorded his own talk, and then posted snippets on Tik Tok. It felt like a failed publicity stunt.

The meeting was hosted by "BioGovernance Commons"; what is their involvement and remit in these ethical and scientific issues?

The event was hosted by Joy Zhang, a sociologist at Kent, and Ruipeng Lei a bioethicist based in mainland China. Both are speakers at the Third International Summit on Human Genome Editing which is taking place

from 6-8 March in London.

What contacts have you personally had with him; is he cooperative or regretful?

Oxford's Social Sciences Division granted me ethical approval, through the CUREC committee, to conduct oral history interviews with Dr. He. My new project, which builds on what I have already published in my book, is called 'Good Genes: CRISPR-Cas9 in Reproductive Medicine.' My interviews with Dr. He have explored some fundamental questions about science, health, and social justice: does gene editing with CRISPR-Cas9 have a future in reproductive medicine? What is at stake as biological scientists remake the facts of life itself? Can society shape future gene editing research agendas to promote an ethical and fair society? Scientists have been talking openly about creating genetically modified children at least since the 1950s, when Watson and Crick described the structure of the DNA double helix. I am determined to learn more about the complex ethical missteps of Dr. He and reconstruct the scientific details of his experiment.

In researching your recent book about Dr He you had to take precautions in visiting China; why and how did that limit your research?

I have a long track record of conducting anthropological research in difficult situations. My first book, 'Freedom in Entangled Worlds', was about the Indigenous political movement in West Papua, where an occupying army is committing serious human rights abuses. My field

research in China was somewhat risky, since Dr. He's experiment was deemed a National Security Incident, but it was relatively low risk when compared with my earlier work among vulnerable Indigenous people who are living through conditions of genocide. I took standard precautions when I was in China to protect my sources who wished to remain anonymous. During my research for 'The Mutant Project' I was able to talk to almost all of the key sources who I sought out.

How would you characterise attitudes and scientific regulation in China as compared Western nations; are either adequate?

China's laws governing reproductive medicine and gene editing were ill-defined at the time of Dr. He's 2018 experiment. But outrage among scientists and the public led a district court to charge Dr. He with "illegal medical practice," under a broad statute, and denounce his pursuit of "personal fame and profit." China has since tightened its laws governing gene editing and fertility medicine. Today China has some of the clearest regulations about CRISPR gene editing in the world. By comparison, laws about embryo editing are very ill defined in my own home country – the United States. Other countries should now follow in the footsteps of China to develop better regulations to govern this disruptive technology.

**A University Spokesperson said: 'Dr He Jianku had been going to attend a private event in Oxford, but we understand this has been postponed until further notice.'*

How to initiate Congregation actions

How to trigger a debate or discussion in Congregation

It is open to any 20 or more members of Congregation to propose a resolution or topic for discussion at a meeting of Congregation; requests must be made in writing to the Registrar not later than noon on the 22nd day before the relevant meeting. Any 2 or more members of Congregation can submit an amendment to, or announce an intention to vote against, a resolution or a legislative proposal (*i.e.* a proposal to amend the statutes). Notice must be given to the Registrar (in writing) not later than noon on the 8th day before the meeting.

Questions and replies

Any 2 or more members of Congregation may ask a question in Congregation about any matter concerning the policy or the administration of the University. Requests must be submitted to the Registrar (in writing) not later than noon on the 18th day before the Congregation meeting at which it is to be asked. The question and the reply (drafted by Council) will be published in *Gazette* in the week prior to the relevant meeting. The answer is also formally read out at the meeting. Supplementary questions are allowed.

Postal votes

Attendance at meetings of Congregation tends to be low. Postal voting can potentially allow opinion to be easily accessed more widely across Congregation membership. Congregation can trigger a postal vote after a debate (but not after a discussion or a question and reply where no vote is taken). 25 or more members of Congregation have to be present ("on the floor") at the relevant debate. The request must be made by 4pm on the 6th day after the debate, signed by 50 members of Congregation, in writing to the Registrar. Council can also decide to hold a postal ballot, by the same deadline.

Flysheets

To generate a flysheet for publication with the *Gazette*, the camera-ready copy (2 sides maximum) should be submitted with at least 10 signatures on an indemnity form (obtainable from the Registrar) by 10am on the Monday in the week in which publication is desired.

Regulations governing the conduct of business in Congregation can be found at: <http://www.admin.ox.ac.uk/statutes/regulations/529-122.shtml>

Items placed on the agenda for Congregation are published in the *Gazette*.

The Congregation website is at: www.admin.ox.ac.uk/councilsec/governance/congregation.

Advice on Congregation procedures is available from the Council Secretariat on request (email: congregation.meeting@admin.ox.ac.uk).

Freedom of speech is not the same thing as academic freedom

ROBIN COHEN

The two highest officers of the University have recently declared themselves to be in favour of free speech. 'I'm a defender of free speech, and I will be championing that as part of my role as Vice-Chancellor', said Irene Tracey (*Daily Mail*, 11 January 2023). Her views were echoed by the Chancellor a month later:

'I'm an old-fashioned liberal and I believe that free speech and tolerance are one of the most important values in an open society. If universities aren't bastions of free speech, who's going to be? And it means that, "No platforming", a pretty graceless phrase, should be anathema. When people talk about safe spaces intellectually at universities, it's mad. It's oxymoronic. That's not what universities are all about' (Oxford Student, 16 February 2023).

How could one possibly object to these sentiments? They seem to express what we all believe in – open and vigorous debate, a challenge to known and predicable positions, resilient students happy to be shaken out of their prejudices, and fair-minded teachers who value, rather than chastise, students who will stand their ground using reasoned arguments. Moreover, such sentiments can be seen as politically astute – heading off political interventions heralded in the Higher Education (Freedom of Speech) Bill, currently making its way through parliament. In effect, they are saying 'Nothing to see here, at least in this revered institution. We are 100 per cent in favour of free speech'.

As it happens, I was ardently engaged in the defence of free speech and academic freedom when I was a student at the University of the Witwatersrand during the apartheid years. That experience influenced my view that academic freedom requires that there should be an impenetrable wall between the state and the universities. From where I stand, the state and universities in the UK are far too close already. We do not need a Freedom of Speech Act and we, the universities, are perfectly capable of protecting the multiplicity of views and opinions our Chancellor and Vice-Chancellor wish to defend. However, we have to start by not conflating academic freedom with freedom of speech.

The distinction was brought home to me three decades ago at another UK university. In line with my youthful convictions, I had persuaded some indignant students to grant a platform to a National Front speaker. He showed up with some thugs lining his entrance, made his statement, ignored the chair, refused all questions and stormed off, falsely declaring to the press that he had been prevented from speaking. In short, he was manipulating us under the guise of exercising his freedom of speech.

To bring the story up to date, consider the case of the invitation, the second in seven months, given to the Is-

raeli ambassador to the UK, Tzipi Hotovely, to speak at the Oxford Union on 23 February 2023. Citing her 'appalling record of racist and inflammatory behaviour' in Israel, 800 British Jews petitioned the UK government to reject her nomination as ambassador (*Guardian*, 20 June 2020). It is perhaps unsurprising that protests of a modest sort took place inside the Union and a noisier, but not seriously disruptive, demonstration took place in the street outside. The event was heavily policed and according to some protesting students (with whom I have spoken) police, Union officials and Israeli security agents sought to profile some of the protesters. A drone flew overhead. Most of the police officers had body cams and there was one with a camera recording the entire protest. Hotovely's bodyguard came outside and patted the backs of the police officers in evident accord.

Interviewed by the *Jewish Chronicle* (24 February 2023), a spokesperson for the Oxford Union indicated that providing a platform for the ambassador showed that the Union wished to 'reaffirm our commitment to upholding the principle of free speech'. Of course, the Israeli ambassador was entitled to exercise her freedom of speech, but despite the Union affirming that members were invited to 'challenge, question and scrutinise the views of our speakers', the video recording of the event reveals it was less of a debate between diplomats from Israel, Bahrain and the UAE and more of a PR exercise to sell the Abraham accords normalizing relations between the three countries. As Hotovely revealingly put it in her opening remarks, she welcomed the prospect of 'sharing the stage with my friends'.

A second case study is drawn from across the pond where, in January 2023, Florida's Governor DeSantis sought to implement a compulsory course on Western Civilization, as a 'push back against liberal elites who suppress freedom of thought in the name of identity politics and indoctrination'. This course will 'ensure Florida's public universities and colleges are grounded in the history and philosophy of Western Civilization'. This attempt to enforce what to teach in universities follows a Florida 2022 law which required that every book in the libraries of Florida's primary and secondary schools is examined to ensure that it is not informed by critical race theory, supports LGBTQ persons or uses such concepts as intersectionality (*University World News*, 7 February 2023). Governor DeSantis has currently turned his attack on a small liberal arts college, New College, by appointing six allies as trustees to its board, who contrived to force out the college president in favour of one who supports DeSantis. As an outspoken 19-year-old student at New College remarked, 'Their rhetoric focuses on pushing their Christian and anti-science agendas while pretending to be fighting for free speech and diversity of opinions'

(*Guardian* 29 January 2023).

There are also more subtle ways of evoking free speech to suppress academic freedom. Take, for example, perfectly reasonable arguments that looted treasures should be returned to their countries of origin, statues of rapacious colonialists should be removed, buildings and libraries named after slave traders should be renamed or reputational damage to our university will be caused by continuing to accept grants from families associated with certain pharmaceutical companies. I do not necessarily agree with all of these propositions, but so long as they are advanced peacefully, they should not be dismissed as mere ‘wokery’. It is even easier to mock those who adopt ungrammatical personal pronouns or request that others acknowledge their complex social and sexual identities, but the failure to engage is largely on the part of teachers and those in authority, not students.

We are fortunate in our senior leadership, and I would not have the temerity to question either the eminence or

good intentions of our Chancellor and Vice-Chancellor. However, I detect an element of naivete in their absolutist endorsements of freedom of speech, without any recognition that academic freedom might be thus imperilled. Those who lie, dissemble, conceal their intentions or are deluded may also wish to exercise their freedom of speech. However, universities have rules, practices and procedures that have been honed over many years of contestation with religious authorities, sceptics, dictators and fervent students. These include teaching what we want to the students we choose, pursuing any line of enquiry, and not being seduced or deflected from our investigations by power or money. We conduct fair debates, review each others work respectfully and abide by ethical guidelines in the pursuit of our research. We emphatically do not need state interference to defend our academic freedom, and we need to be wary of those who evoke freedom of speech for purposes of their own.

The Sad Satirist’s Lament

Why be a satirist and scold
When you’ll be left out in the cold?
It is a futile enterprise
To try to make the foolish wise!

What Was the Voice?

What was the voice that Matthew Arnold heard
Those afternoons under St Mary’s tower,
What gave those last enchantments mystic power
That could so draw him with each magic word?

In the dim light he felt his spirit stirred,
He seemed to be borne heavenward for an hour,
Modernity no longer seemed to lour,
In the great transformation that occurred.

That voice was crying in the wilderness,
And it was to a wilderness it led.
Unable to content his open mind,

It could not dissipate his deep distress.
What other voice could do so in its stead?
Must he then seek and know he would not find?

EDWARD GREENWOOD

Edward Greenwood was born in Nelson, Lancashire on December 23rd 1933. He was at Hertford College from 1951 to 1956, and subsequently taught English Literature at the University of Canterbury, Christchurch, New Zealand, and then at the universities of Glasgow and Kent. He published several articles in *Essays In Criticism* as well as a book on Tolstoy and a British Council pamphlet on F.R. Leavis.

Mastering Wound or Word

A pen is held like a scalpel,
to dissect a thought:
neurosurgery.
While the writer wrestles with
the nuance of a meaning,
the surgeon seeks
the source of a bleeding.
We aim for straight lines
and clear geometry.
But in our practice,
or in this poetry,
a single neuron fires
a thousand more.
You see, the same laws apply
to medicine and lore.

RIKHARD IHAMUOTILA MD

Dr. Rikhard Ihamuotila is a global child health researcher and currently works as a resident physician at Helsinki University Hospital.

Where should freedom of speech responsibilities in higher education lie?

G.R.EVANS

Under the Higher Education (Freedom of Speech) Act higher education providers and students' unions will be required to publish Codes of Practice on freedom of speech. The Bill sets out the requirements separately for higher education providers¹ and for students' unions.²

For both the Code must cover 'the conduct required'³ of the responsible bodies. Any complaint is therefore to be against the provider or students' union, not any person or persons whose 'conduct' may be complained of. The complainant must be an affected individual⁴ who must have 'suffered adverse consequences' as a result of something the responsible body has done or not done. This has the advantage of clarifying who are to be the parties in a dispute about 'conduct' under the Act. However, the definition of 'adverse consequences' will have to be tested case by case and shown to be the fault of the responsible body. This could well seem remote from the actions of individuals which triggered or caused the harm. It will not be easy to identify a role for a decision-maker – the Bill requires the Office for Students to create a Free Speech czar as arbitrator – to determine what responsibility a provider has in a given case, and especially the responsibility of individuals acting on behalf of the provider, such as HR professionals or union representatives.

Difficulties of these kinds have arisen in a number of instances which throw into question the practical reality of laying blame as now proposed. Kathleen Stock, a Professor at the University of Sussex, faced demands from campaigners that the University should dismiss her for her alleged transphobia.⁵ They wrote 'we do not say Stock should not be *permitted* to say the things she does. We believe in the principles of academic freedom', but they did not want those relied on. 'Conflating concern about the harms of Stock's work with threats to academic freedom obfuscates important issues', they said. Stock told the *Guardian* that the academics had created 'an atmosphere in which the students then become much more extreme and much more empowered to do what they did'.⁶ UCU had taken sides against her, but trade unions are not included in the Act as responsible for the protection of freedom of speech.⁷

The Vice-Chancellor of the University wrote to 'all staff' to say that the University had 'vigorously and unequivocally defended her right to exercise her academic freedom and lawful freedom of speech, free from bullying and harassment of any kind'.⁸ Stock was not dismissed. She chose to resign. The question must be whether the University could have done more to protect her against the 'adverse consequences' she undoubtedly faced. On what grounds could she complain against the University?

Steven Greer, a Law Professor at Bristol, was attacked by student members of the University's Islamic Society

for allegedly making 'Islamophobic, bigoted and divisive' remarks in lectures. He received online threats. The University did something. It held a review, conducted by a KC who found that his remarks included 'no evidence of Islamophobic speech' and 'did not amount to discrimination or harassment', being 'intended as the basis for academic debate by the students who elected to study it'.⁹ A Bristol spokesman was quoted as saying that students were encouraged 'to engage with, debate, analyse and critique ideas and theories of all kinds within our academic programmes'. Steven Greer retired in 2022 but has published a book about his experience. He continues to call for the student activists to be punished by the University.¹⁰

Speaking to *Times Higher Education* Greer drew attention to two other 'freedom of speech' cases at Bristol. David Miller, Professor of Political Sociology, had been dismissed by Bristol over remarks he had made about Israel. A Jewish student had made a complaint.¹¹ The University commissioned a report from a KC, who, the University explained in a statement, 'considered the important issue of academic freedom of expression and found that Professor Miller's comments did not constitute unlawful speech'.¹² Nevertheless, Miller was dismissed in October 2021, apparently for unprofessional conduct.¹³ His internal appeal was unsuccessful in March 2022.¹⁴ Had the new Act been in force, he could have complained against the University, but could it have defended his dismissal if it was for reasons unconnected with any breach of its responsibilities to protect freedom of speech?

The second, the Bristol student Rachel Rosario Sanchez, had felt undefended by the University when she faced a hate campaign by student 'trans activists'. She took the University unsuccessfully to court alleging that it had failed in its duty of care to her as a student.¹⁵ The option of making a complaint to the Office for Students might have been open to her had the new legislation been in force.

In Oxford, Professor Selina Todd co-signed an open letter to *The Sunday Times* in June 2019 questioning the acceptability of universities paying for training by Stonewall on LGBT matters, arguing that it was discouraging academic freedom of discussion. She was threatened by trans-rights activists. The University provided security at her lectures. In February 2020 her invitation to a conference was withdrawn.¹⁶ She told *Cherwell*, that she was 'shocked to have been no-platformed by this event, organised by Oxford International Women's Festival and hosted at Exeter College'. She had:

'explained to the organisers that some trans activists may object to my being there. In fact, trans activists had already tried to shut the conference down because they claimed second-wave feminism was inherently trans-exclusionary'.

If this was a college event, the University's conduct was not in question in this case. The University has not sought to limit her continuing exercise of freedom of speech. She wrote to *The Times* on 3 November 2021 to criticise the Athena Swan scheme which is approved in many universities.

Cambridge has had recent cases testing the 'conduct' of one of its colleges and its Students' Union. 'Students from various colleges eagerly participated in the peaceful demonstration by banging pots and pans along with the chants'.¹⁷ This was reported by *Tab* in an article extensively illustrated with pictures of a 'peaceful protest' held outside Caius by the Cambridge Student Union LGBT+ campaign on 25 October 2022. A possible complaint about that action might lie against Cambridge University Student Union (CUSU).

The occasion was a lecture given by Helen Joyce, leader of the campaign group 'Sex Matters', at the invitation of Professor Arif Ahmed, a Fellow of Caius. It had gained considerable notice because the Master of Caius had circulated a letter deprecating the event, which had prompted press coverage. The Head of House did not, however, seek to prevent the occasion from taking place. But this is an example of a 'freedom of speech' episode where the responsible body was a 'constituent institution' of a higher education provider registered by the OfS. Any complaint of 'adverse consequences', for example about the consequences of the letter circulated by the head of House, would lie against the College.

Varsity has recently reported the vandalising of the front door of the Department of Chemical Engineering and Biotechnology by an activist group 'citing the department's ties to fossil fuel funding' and alleging "'lobbying" by the department to delay a motion to stop the University receiving funding from fossil fuel companies'. 'Activists from the group had taken similar action against the Schlumberger Gould research centre and the BP institute'.¹⁸

This action seems to have been prompted by remarks made in a Discussion of a Regent House Grace seeking to require the University to cut all connections with entities working with fossil fuel companies.¹⁹ On 26 October 2022 a *Report* was published on this Grace, suggesting that there should be a review of the various questions it raised. At the Discussion on 22 November Professor Clemens Kaminski, its Head, and a number of speakers from the Department of Chemical Engineering and Biotechnology among others, argued that important though it was for the University to withdraw from such involvements it had protections to enable research in these areas to continue to take place in ways which could contribute significantly to the prevention of climate change.²⁰ This was a constitutional exercise of freedom of speech. The campaigners had objected to the extent of breaking down the Department's door. The University has calmly continued with the arrangements for the proposed review.²¹

These examples suggest that it is not going to be easy to draft Codes of Practice for providers or students' unions which can realistically protect the freedom of speech of individuals in the face of an activism by other individuals which may place a higher ethical premium on a particular cause or campaign. The banging of pots and pans is arguably an acceptable form of protest speech, but can that be true of the breaking down of a door? The damaged

Departmental door is not a person so it cannot make a complaint.

The role of the OfS in handling complaints

The new legislation is built round the role of the Office for Students. The OfS is to 'regulate' the duties of providers and students' unions, operate a Complaints Scheme and have on its Board a Director for Freedom of Speech and Academic Freedom, adding this role to its other Directorship, for Fair Access and Participation.²²

This will require a change of attitude by OfS. On 15 December 2022 OfS implied that it would take no direct role in the enforcement of freedom of speech in higher education providers:

*'The Office for Students stands for the widest possible definition of free speech within the law. It is not our role to take sides in the contested debates that feature in the higher education sector. We must, and will, apply our understanding of the law to the facts of an individual case and do so with care and impartiality.'*²³

However, it did sketch intentions which might now be included in a Code of Practice. It would ask whether a provider has 'robust decision-making arrangements, which require it to consider the impact of its decisions on free speech and academic freedom as part of the decision-making process' and 'checks and balances to ensure that its policies and processes do not adversely affect free speech or academic freedom'. It would ask whether it ensured 'that staff are appropriately trained, in particular those who are making decisions that may affect free speech and academic freedom matters'.²⁴

OfS wrote more robustly about its role in protecting freedom of speech on 17 May 2021, after the Higher Education (Freedom of Speech) Bill was introduced. It shared a joint press release with the Department for Education on 12 May, proposing the role of a new Director, to oversee the various free speech functions of the OfS, now to include compliance and enforcement. It does not appear to have been suggested that this task properly lay with the UKRI too, so as to ensure that freedom to research was protected as well as freedom of speech in teaching. The vandalising of the Cambridge Departmental door was prompted by remarks on the value of research in areas in dispute.²⁵ The word 'research' appears in the Bill only as part of the title of the Higher Education and Research Act 2017 and a few times in connection with checks on overseas funding for research.

When a 'Case for the Creation of the Office for Students' as 'a new public body' to take the place of HEFCE and the Office for Fair Access was outlined by the then Department for Business Innovation and Skills on 2016²⁶ it was argued that there was 'a need for a simpler, less bureaucratic and less expensive system of regulation'. This was the intention under which the OfS was created. However, concerns about its operation have been multiplying. On 12 January 2023 the sector bodies (Russell Group, Million Plus, GuildHE and the University Alliance) wrote a joint letter to the Chair of the Education Select Committee calling for 'an inquiry into the operation and performance of the Office for Students'. It said it would be 'timely' to ask whether it was 'fit for purpose' given its new Freedom of Speech role.

The sheer scale of the expansion needed to provide for the operation of the new complaints procedure does not seem to have been calculated. The OfS has a budget of £30m and 350 staff.²⁷ It is likely to need many more to cover this new duty and the litigation it may prompt. The Bill says that the complainant must have exhausted internal procedures first before it comes to the OfS and if the matter is before a court or tribunal the OfS scheme may not consider it, but between those stages the OfS will be very busy.

Also not fully examined seems to be the role of the new Director, described in the Bill in an insertion to Higher Education and Research Act 2017, Schedule 1 on the OfS. It involves ‘overseeing’, ‘performing’ and ‘reporting’ to the OfS. The ‘performing’ lays on the Director the ‘free speech functions’ of the OfS including ‘monitoring and

enforcing the registration conditions’ of providers. This seems likely to require considerable additional staffing to support the Director.

Conclusion

The new legislation imposes on higher education providers and students’ unions a responsibility which seems difficult to fulfil in the face of the untidy realities of the ‘free speech’ behaviours of their members, staff and students as exemplified in recent disputes. It lays a further responsibility on the Office for Students to police it all at a time when concerns are mounting about its competence in discharging its existing responsibilities.

1. At A2 (2)(c),
2. At A6(2)(c).
3. <https://bills.parliament.uk/publications/46799/documents/1952>
4. (a) a person who is or was— (i) a member or member of staff of the students’ union, (ii) a student of the provider, or (iii) a member or member of staff of the provider or of any of its constituent institutions, or (b) a person who was, or was at any time invited to be, a visiting speaker.
5. *Guardian*, 28 October, 2021.
6. *Guardian*, 3 November, 2021.
7. An open letter from academics had objected to her OBE; <https://sites.google.com/view/trans-phil-letter/>
8. <https://www.sussex.ac.uk/broadcast/read/56597>
9. Steven Greer, *Falsely accused of Islamophobia: my struggle against academic cancellation* (Academic Press, Washington, 2023).
10. *Times Higher Education*, 15 February, 2023, *The Times*, 17 February, 2023.
11. <https://www.thejc.com/news/news/the-way-bristol-uni-handled-my-david-miller-complaint-ruined-my-uni-life-1gMWbNucw5nEDTM-lkbN57D>
12. <https://www.bristol.ac.uk/news/2021/october/prof-miller-statement.html>
13. <https://www.bbc.co.uk/news/uk-england-bristol-58765052>
14. <https://www.bristolpost.co.uk/news/bristol-news/david-miller-sacked-bristol-university-6881750>
15. <https://www.crowdjustice.com/case/bullying-and-harassment-enable-bristol-university/>
16. *Cherwell*, 7 March, 2020.
17. <https://thetab.com/uk/cambridge/2022/10/27/in-pictures-cambridge-su-protest-for-trans-rights-163993>
18. <https://www.varsity.co.uk/news/25034>, February 10, 2023.
19. And entities which: *accept research funding or allow sponsorship or other collaborations with companies if they meet one or more of the following criteria:*
 - They are constructing, or facilitating the construction of, new fossil fuel infrastructure.
 - They are engaged in exploring, or facilitating the exploration of, new fossil fuel reserves.
 - They retain memberships with trade associations engaged in political lobbying against science based climate legislation, (*Reporter*, 27 July, 2022).
20. See *Reporter*, 7 October, 2020
21. On 15 December 2022 Terms of Reference were published for a proposed study on the issues arising, setting out its terms in detail. On February 9 the *Reporter* published a response to the remarks made at the Discussion of 22 November with a Grace ‘for the approval of the *Report*’s recommendation’.
22. <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/john-blake-sets-out-vision-for-fair-access-and-participation/#:~:text=John%20Blake%2C%20the%20OfS's%20new,two%20speeches%20in%20the%20role.>
23. <https://www.officeforstudents.org.uk/publications/freedom-to-question-challenge-and-debate/#framework>
24. <https://www.officeforstudents.org.uk/publications/freedom-to-question-challenge-and-debate/#framework>
25. <https://www.varsity.co.uk/news/25034>

The editors invite and welcome contributions from all our readers. The content of Oxford Magazine relies largely on what arrives spontaneously on the editors’ desk and is usually published as received.

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Notes from Ivory Flats

ROBERT FOLEY

Book, bench, busy, bush and brain – the diverse species of academia

Most of my Ivory Flats commentary series are written in the cosy environment of Cambridge, but this one has been brewing in the deserts of northern Kenya, where I have been for a while doing fieldwork. It is an excessively hot environment, with temperatures often reaching 40 degrees, but it is also dry. The people of Turkana – indeed of the whole of the Horn of Africa – have been suffering for a drought for nearly three years, and the costs are high. Water is limited, food in short supply, and grazing for animals virtually non-existent. This is always a hard land, but it seems desperately so now. We have been working here for fifteen years, and so seeing the stress to our many friends is heart-breaking.

Doing fieldwork in Africa turns one's mind to diversity, for it is all around one here – the diversity of cultures and languages, the diversity of the plants and animals, indeed, even human genomic diversity which is greater than that across the whole of Eurasia. And of course, diversity is a word we hear more and more frequently. One would have to have been living in complete isolation not to be aware that diversity is a big issue in UK universities at the moment, and it is a rare soul who has not taken a course on equality and diversity, probably several times. There is no doubt that the focus on cultural and socio-economic diversity is a huge priority, and has done much to widen the student and staff profile of universities, to their benefit. But diversity comes in many dimensions, and I have been thinking about the other ways in which universities are diverse, and musing on whether there are some endangered species out there.

Oxford, Cambridge and Durham are unusual, if not unique, in having colleges as one of their forms of diversity, but although I shall probably get run out of my college for saying so, they are not as different one from another as they like to think. I can navigate the mysteries of SCRs and Directors of Studies meetings (and dinners) with ease. Certainly, from a distance they are peas in a pod. No, the real university diversity is by discipline and department. Drop a linguist in the biochemistry department and they will be completely lost and vice versa of course. This is not just a matter of knowing which reagents or phonemes do what, but the culture of place, nor of being distant disciplines. Excavate into any merged department or Faculty – no matter how long ago – and the old fissures are easy enough to see. My own Faculty had three Departments that were shot-gunned together against our wishes (so much for a bottom-up university) in 2010, but the boundaries remained as visible as ever – indeed, the marriage was dissolved within a few years, perhaps annulled, as there was never the remotest chance of consummation except in the fantasies of the 'senior management' who pushed it through.

Disciplines are, of course, divided by subject matter

and knowledge, united by shared ideas and histories. The eyes that glaze on a topic that goes beyond one's comfort zone are a well-known phenomenon around any university. 'How interesting!', one says as the mathematician raptures about a torus, or the sociologist about Durkheim. There are, though, deeper divisions, that relate not to what we do, but how we do it.

It might seem that the way to explore this form of diversity is to start listing disciplines and all their idiosyncrasies, possibly even alphabetically, and we can link them easily to the world of cinema and television to know all there is to know – Anglo-Saxon (just watch the *Last Kingdom*), Archaeology (*Indiana Jones and the Raiders of the Lost Ark*), Astronomy (*Star Wars*) ... Zoology (David Attenborough, of course). Alternatively, one can go down the well-trodden path of humanities, social sciences and natural sciences, and rehearse C.P. Snow's Two, now Three, Cultures. However, I have a different classification in mind. Giving in to the overwhelming temptation to alliterate, there are probably five basic academic species or cultures – Book, Brain, Bench, Busy and Bush. These meander across disciplines and sadly fail to recognise the importance of universities' silos of Schools, Faculties and Departments; you will find Bushes in departments ranging from Classics to Chemistry, and Brains in Maths and Philosophy. But these academic species offer better insights into what people actually do, what motivates them to get up in the morning, to inspire others – and how the drive for uniformity fails to embrace this form of diversity.

* * *

The Books are the dwellers in libraries and archives, detectives or lovers of the written word. They may be found tracking down the lost accounts of some Suffolk sheep-shearer from the fourteenth century, enjoying a glass of pinot grigio after a day delving into a Venetian love letter, semi-interred in the UL, or more likely these days, wading through piles of pdfs. Knowledge and advances in knowledge come from finding sources, reading, sifting primary and secondary sources, and unravelling the palimpsests of previous research.

The Benches are the laboratory-dwellers, troglodytic characters surrounded by machines and pipettes, or sitting on a mountain observatory staring at a remote star, or chasing protons in Switzerland, or more likely these days, in front of a computer screen like the rest of us.

The Busys are the real-worlders of academia, the lawyers, economists, engineers, regulars on the London trains, popping in and out of Westminster, Whitehall, British Gas or the law courts. They exude an air of impatience with the demands of their university life, rushing out from the pillars of the business school or the modernism of the Law Faculty to change our mortgage rates or explain the world on the Today Programme.

The Bushes are the people who are never in Cambridge,

or at least say they're not. 'Sorry, can't make the meeting, I'm in the field.' At their worst they wear their dirty field boots in seminars to remind you how tough they are, just back from the wilds. The wilds, of course, could be the Cambridge Fens as easily as Antarctica. Bushes come in an amazing variety of forms, from those who are getting ill in the Amazon to those who are wandering the streets of Newcastle with a clipboard. They know there are important new things to find 'out there', but often, it has to be said, the means – getting away – is as important as the ends.

And the Brains are the thinkers, working it all out from first principles, whether in the moral maze or the multi-verse. Seldom seen, seldom understood.

There is clearly overlap – an English professor wandering lonely as a cloud around the Lake district pondering Wordsworth might count as a member of the Bushes, while an archivist delicately separating leaves of an ancient manuscript would probably qualify for Bench status. Even the most weather-beaten of the Bushes must occasionally have to venture bravely into a library, and are often only too glad to go on television just like a Busy. Benches must venture out to collect samples if they can't get a Bush to do it for them. Sometimes a Brain alone is not sufficient. Some are natural hybrids – medics are probably both Benches and Busys. The Busys do it all anyway.

And each is viewed by the others through a warped and stereotypical lens, a classic case of in-group/out-group rivalry. To the Benches, the Books are self-indulgently spending their time reading, and anyone can do that, can't they? To the Books, the Benches are boring night-owls, myopically staring down microscopes or mixing noxious chemicals that are going to destroy the planet. The Busys roll their eyes at the irrelevance of Thomas Aquinas today, and wish the Bushes would dress more smartly. As at least a part-time Bush myself, I work in a scorpion-infested desert in high temperatures and sleep in a tent, but am inevitably met on my return – especially in the winter – with sarcastic comments about being on holiday again ('alright for some, I have six lectures and ten committees today').

There is also a hierarchy to these groups, and each knows well the pecking order. Unsurprisingly, of course, it is different for all. Benches are proud of their rigour, objectivity and machines that go ping, as well as their self-identified relevance to the problems of the real world. The Books are intellectuals, and so look down on all the rest as essentially technicians. The Bushes are the hard men and women of the real world, risking life and limb in search of new discoveries of beetles, earthquakes, kinship systems and fossil fragments, and tend to view the rest of academia as sheltered milksops. The Busys are naturally too busy to notice there are others. The Brains live above it all.

The point about this idiosyncratic way of looking at academic diversity is that it reflects how people spend their daily lives, schedule their months and years, prioritise their time, identify their goals, find satisfaction, and see themselves in the University Universe. And each of these is very different, requiring different schedules, different support, different resources, but similar respect. Real people do not have goals, missions, deliverables in a vague bullet-pointed list that they look at respectfully each morning, but a love of their particular way of finding things out and doing the things involved in that search. For research and teaching there is an inevitable knot that

ties the means and the ends. I might have a deep interest in those fourteenth century sheep-shearers, but no inclination to work in an archive for hours and hours. Others might love the excitement of finding a fossil, but are terrified of scorpions. That entanglement between what we do and how we do it is at the core of being an academic. And it can be lost too – the fieldwork becomes too hard with age or family or both, the bench becomes monotonous or automated. That loss is probably the first step on the road to becoming a university manager.

And mentioning university managers, as was inevitable in Ivory Flats, leads us back to diversity. Centralisation has demanded uniformity of treatment and process – no doubt a noble goal, but one rich with hidden dangers. Looked at from the centre, it must seem that the most common and so typical academic is either a Book or a Bench – sitting in a library or a laboratory. And it is a short step from there to the expectation that the same needs and demands can be applied across the species diversity. From the Benches comes the expectations that they must bring in lots of money to pay for research assistants, and from the Books that they will be dutifully working in Cambridge and not straying too far. The modal (and desired) academic becomes a locally-dwelling cash machine.

But this one size does not fit all. Some people need to be away a lot (Bushes), some people simply don't need money (Brains), some people publish big impenetrable tomes (Books), others myriads of citable journal papers (Benches); some people go on television (Busys), others will wait years to divulge their views (Brains). The Books and the Benches can no doubt produce elegant and beautiful accounts all following the preferred provider routes with ease; others, such as us Bushes in Turkana, have scraps of paper covering the purchase of a goat (alive, so capital cost, but eaten, so rapidly depreciated and literally a consumable, please resubmit). Risk assessments are trivial for a saunter to Dublin for a conference, slightly more daunting for a trip to Iran – so much so in fact that Cambridge has out-sourced 'high risk' risk assessment. And I am sure, in the minds of the stressed people who have to process the torn receipts and work out which snakes are really dangerous, the outliers of the system just appear to be difficult and not very cost-effective. So much easier to have a world of Benches and Books. Even the Busys are a bit of a risk as they may say something controversial, and the Brains don't earn any money! And so the impediments to being different grow everywhere.

Diversity has become a word with an ironically narrow meaning, but we should not forget that at the core of what we do as academics there is also a dimension of diversity that is central to our being. *How* we do things is as essential as what we do, and so achieve both our own individual goals and ultimately those of the university as well. It is probably the case that all institutions from the family to the state must grapple with the balance between uniformity and diversity, and the outcome will vary, and it is equally true that the greater the centralisation of an institution, the greater the pendulum will swing towards uniformity, as it does now.

Diversity of academic style also challenges the tree-like organograms that are there to simplify the life of the central administration. It would be so much easier if all the Bushes were in the biological sciences, all the Brains in maths, all the Busys in the Business School, and all the Books in the humanities. But it doesn't work that way,

meaning that each branch of the university's tree must be able to support and cater for each species, something that can be an administrative stretch.

As I see it, a centralising monoculture is pushing out the delightful local ecosystems in which the multiple weird and wonderful species of academic thrive. They do not need just the basic nutrients of research and teaching, but support for how they do things as well, nurturing the means as well as the ends. It is the different habitats and niches of academia, our varied ways of life, that make our working lives pleasurable and successful.

Now, back to check for scorpions, and in the next Ivory Flats I might divulge the secret of using old socks to cool the beer.

From the Gaelic

this moving back
and forth between languages
helps me see the thing anew

like the wild water lily I find
floating on the lochan

duilleagbhaite bhan
the drowned white leaf
the white leaf of drowning

*

there is this word *dùthchas*
for homesickness that also means
belonging (not belongings)

as in a crofting community
where land is shared, known

peat, grass, stone
each lochan
with its drowned white leaves

On Oronsay

In the midden
among limpet shells

the bones of a hand
laid beside a seal flipper –

did they swim together
to the next world

across the firths
and sounds –

SUE LEIGH

Sue Leigh's second collection of poems, *Her Orchards*, was published by Two Rivers Press in 2021. She is currently working on a book with the Cornish painter, Alice Mumford.

Not
the
Gazette

NB The *Oxford Magazine* is not an official publication of the University. It is a forum for the free expression of opinion within the University.

The next issue of *Oxford Magazine* will appear in
noughth week

The Oxford Bus Gates and Open Minds

DANNY DORLING

You may have become aware of a little controversy surrounding a few small changes concerning how car traffic is routed through the city of Oxford. On Saturday February 18th a rally was held to demonstrate against the proposed introduction of six new bus gates in the city. Five people were arrested, but it largely passed off peacefully. The *Oxford Mail* reported that this was all under the watchful eyes of police horses Wilma and Odin.¹ You cannot fault the *Oxford Mail* for the level of detail it provides, or at times wonder if so little usually happens in Oxford that its earnest reporters are driven to report even the names of the horses.

People best known for having famous relatives (Lawrence Fox and Piers Corbyn) and a Neo-druid from Stonehenge (King Arthur Pendragon) wearing his robes all spoke against the proposed bus gates. The Neo-druid explained his concerns: 'If they say you cannot go out of Oxford, how are you going to turn up to places like Stonehenge for the Solstice.'² Lawrence, Piers and Arthur were joined by other groups including many Covid-19 lockdown sceptics, anti-vax folk, fascists, and "balaclava-clad 'anti-fascists'".³ They came from all across Britain. Some may even have flown in for the event. As many as 2000 people were there. It would not be unkind to describe some of them as conspiracy theorists. But others had genuine worries given what they had heard and read on-line. Some had concerns that the new bus gates would be turning the city into a prison. This affair has, after all, been reported as a semi-serious news story around the world.⁴

There are plenty of reasonable people with worries that their method of driving and the routes they might have to take will change in the near future. However, local opposition was joined by outsiders bringing their own unrelated agendas. Many people at that march were not conspiracy theorists, but also have suspicions as to the motives of the traffic planners. At a time when central government is doing so much that harms so many people, why believe that something being proposed by a part of local government might be benign or even beneficial?

Worries about transport changes need to be addressed with sympathy for those with genuine concerns about how their own lives will be affected. By looking back at the history of traffic calming in Oxford it can be easier to see that what is about to happen won't be as bad as they think, and that the changes are needed. This is because changes in the past were clearly needed, they were also often opposed, and hardly anyone now complains about past changes.

Why did the large rally happen? When traffic was rerouted in Oxford in the past there was always a little controversy, but nothing ever on such a scale. When cars were prevented from using Cornmarket, and later when buses were too, there were grumbings. When a bus filter was introduced to stop cars, other than taxis and a few other vehicles driving on the High Street, there were some moans. In the 1980s and 1990s when bollards were intro-

duced into some streets so that bikes could pass, but not cars, an irate letter or two was sent to the *Oxford Mail*, but 2000 people never gathered before in Oxford to complain about traffic restrictions.

We now live in far more fractured times and this may be the reason why the protests have been so much more vitriolic this time. The city is more fractured by economic inequality than it was in the 1980s; but most of the opposition to the bus gates is from a few very well off business-people and other outsiders. If you wanted to entertain a conspiracy theory, it could be that by getting the conspiracy theorists of the world to focus on the bus gates, most opposition to them has now been made to look ridiculous. However, I can find no evidence of a safer-streets campaigner carefully seeding the idea to achieve this (possibly very useful) outcome. The bus gates are now practically an inevitability, as not to introduce them would be to bow down to the wisdom of Laurence Fox, Piers Corbyn, Arthur Pendragon, and their supporters.

If you want to know what has been proposed and consulted on, you can look it up easily. The introduction of the bus gates may be delayed, due to delays on the rebuilding of the Botley Road rail bridge, but they will now almost certainly soon arrive.⁵ Their official name is 'experimental traffic filters', but 'bus gates' is a far better description for reasons I'll try to explain below. Two thirds of local residents support the plan.⁶ Short of a financial emergency occurring in 2023, preventing the county council from making any discretionary expenditure, which is not impossible, the bus gates are coming. And short of it turning out that they result in disaster – they are very likely to stay.

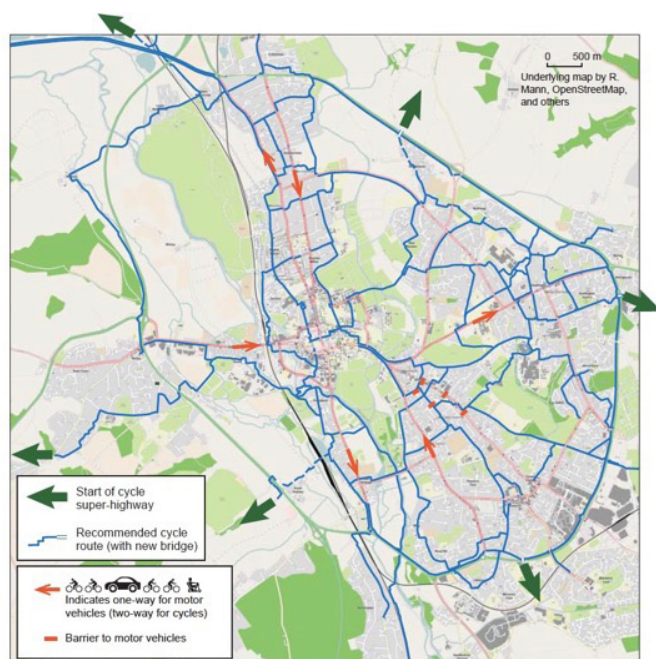
Rather than rehearsing yet again the arguments for and against bus gates, it might be more useful to look at how previous traffic re-routing schemes in Oxford have been introduced, why they happen, and how we so very quickly became used to them. No one now calls for Cornmarket to be opened up to cars again; or complains that shutting Broad Street to most traffic is a bad thing. In fact, it would have been very hard for 2000 people to have held a rally their against traffic calming measures, if traffic measures hadn't been introduced to make that space so much more open.

The most recent controversy in Oxford concerned the introduction of a few low traffic neighbourhoods. It was obvious to anyone who cared to look, but especially to someone who was not used to it, that Oxford had a problem with its traffic. I arrived back in the city in 2013, having been away for 27 years. The traffic jams shocked me. I was especially shocked by the rat-running in the streets of East Oxford where children from my secondary school used to play as children (children whose parents often spoke Urdu as their first language). The city had changed in many places almost beyond recognition in terms of gentrification; but for some reason action had been slower to address Oxford's growing traffic problems than had been the case in much of the rest of England.

I was asked to give a few public talks on my surprise at coming back to Oxford and finding it was so behind-the-times as compared to cities like Sheffield, where I had been living for the last ten years. Shortly after arriving back in the city a Conservative county councillor told me, only half-jokingly, that anything which slowed down her driving her large car from her far flung village in North Oxfordshire to lunch at the Ashmolean roof-top restaurant could not be permitted to happen. It slowly dawned on me that perhaps it had been the Conservatives' almost continuous control of the County Council, that explained the state of the city's streets. The county has responsibility for traffic, not the city.

I published a proposal (Figure 1), based upon worrying about people, and especially children, cycling around the city.⁷ The map is shown below. I suggested that the major arterial roads could be made one way to motorised traffic, not least because almost all of the serious car/van/lorry/bus and cycle collisions (and deaths) in Oxford occur at intersections on those roads. But I also suggested that five barriers to cars could be introduced on roads in inner East Oxford, to stop rat-running and also make the Cowley Road a far safer place to walk and cycle (buses would be allowed through).

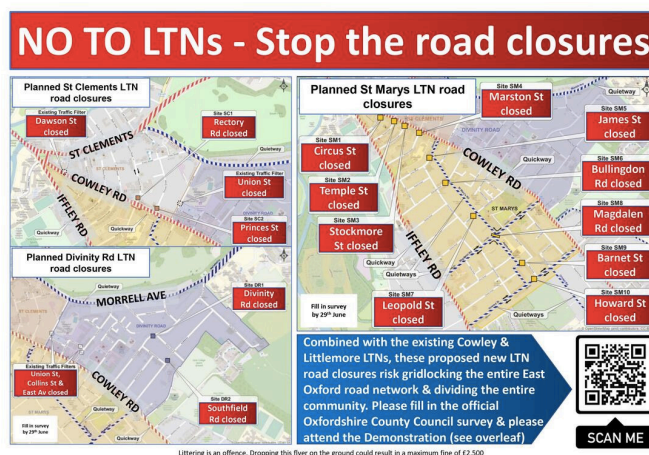
Figure 1: A Proposal made in 2016 to try to improve traffic flow and safety in Oxford



I am no traffic engineer. But it is now clear that the traffic engineers of the county had been planning for many years what to propose when their political leaders changed and an administration came in that was less interested in how quickly four-by-fours could drive into the city. Rather than just suggest five barriers, as I had in 2016, they later proposed 14, which were implemented in 2022. These are shown in the map below (Figure 2) taken from an anti-low traffic neighbourhood leaflet.⁸ They are now all in place, and were added to the three which had been in place on those streets already. I like to think that I may have helped a little by suggesting that this kind of thing was sensible, but rather like Spike Milligan in his series of books on the importance of the part he played in the war, I think the

outcome would have been the same regardless.

Figure 2: Image from a leaflet opposed to a restriction to some motorized through traffic



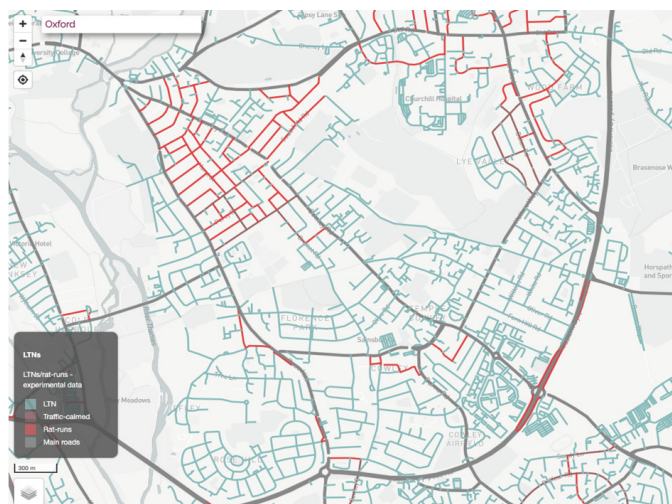
Now the "road closures" in East Oxford have been completed, opposition to them has quickly ebbed away. Of course, the roads were not closed, instead there was simply a restriction to some motorized through-traffic. Adding a restriction to through traffic actually *opens* the road to users other than car drivers. Children are able to cycle to school and play outside with less fear, everyone can cycle or walk more safely. "Closure" implies that roads are intended just for drivers. It also implies that driving is no longer possible, when it is. It was just that through-driving has been stopped.

People have very quickly become used to the roads being largely car traffic free; and to how much quieter the Cowley and Iffley Roads now are without so much traffic trying to turn onto them from side streets. Buses can now travel more freely as they are less stuck in traffic jams on those two roads. Although the London Road is still very busy, which is part of the reason why new bus gates are planned for the near future.

Why do I think that it was inevitable that the low traffic neighbourhoods (LTNs) would come in (and be accepted) and that the new bus gates will now be introduced in 2023, 2024 or 2025 and similarly be accepted after initial opposition? And why don't I think that any one individual making a suggestion that this would be a good thing matters that much? The answer to all these questions is that this is what always happens. But we can become better at understanding this if we look back at what has happened in the past.

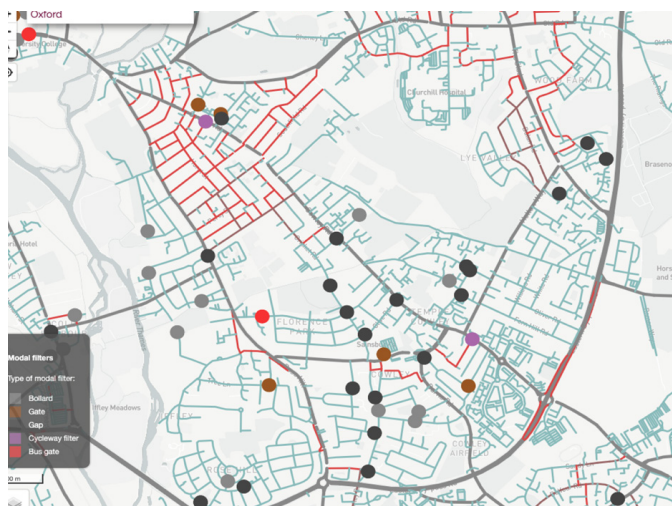
The next map below (Figure 3) shows brilliant work recently published by CycleStreets.⁹ Their highly skilled researchers used OpenStreetMap (all one word!) data and ingenious analysis to calculate where all the rat-runs are across the UK. It was obvious that there was a problem before in Oxford. But why was the problem so concentrated in that part of east Oxford in particular? I can't help thinking that it might have been because those streets in the past were home to some of the poorest children in the late 1970s and 1980s. Oxford really has gentrified, some parts more than others. But it was some of the parts that were poorest in the past that had been most neglected when it came to making streets safer.

Figure 3: Rat runs in part of the city of Oxford prior to 2022



It is not poverty that causes a street to become a rat-run. It is lack of traffic planning and planning officers being less pressurised to make streets safer where children were poorer in the past. The next map below (Figure 4) shows the same area of Oxford, before the new LTN's came in. However, now all the pre-existing LTNs are included. We did not call them LTN's before, but just look at how many streets in this part of Oxford has been cut-off from motorised through-traffic prior to 2022. This was due to bollards, gates, or narrow gaps being introduced in the late 1970s, 1980s, or a little later. All that happened in 2022 was that a few more circles were added to the map below. All that will happen when the new bus gates come in, is that there will be six more such circles on the CycleStreets maps of Oxford, and pollution will fall, and buses, vans and taxis will travel more smoothly.

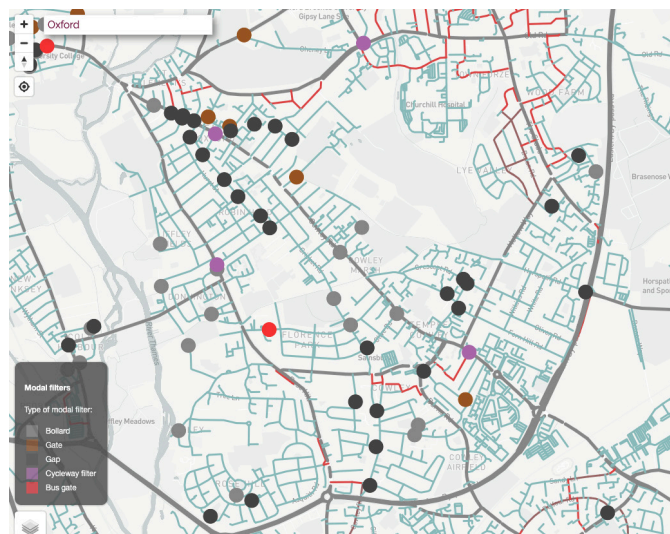
Figure 4: Roads closed to motorised through traffic in part of the city of Oxford prior to 2022



Today, almost all the streets of East Oxford are coloured blue-green on the most recent national map when zoomed into this city (Figure 5). Oxford district as a whole now has 68% of streets (by length) which are Low-Traffic Neighbourhoods, 12% are not, and the remaining 20% are the main roads.¹⁰ Following the changes made in 2022, the two areas of Oxford with the least low traffic

neighbourhoods are now Summertown and Old Headington.¹¹ Interestingly, these are two of the more affluent parts of the city today. The normal trend-over-time, where it is usually the most affluent areas that become 20mps zones first, or get zebra crossing first, may be ending.

Figure 5: Roads closed to motorised through traffic in part of the city of Oxford by 2023



Of course, more could be done. At present, a great deal of motorised traffic and cycles moving from east to west in Oxford are funnelled into the Plain, before crossing Magdalen bridge. The University, and a couple of colleges in particular, could help reduce the danger of cycling on the Plain by making other routes across the Cherwell possible by bike. In some cases new bridges already exist, but they are private bridges, closed to the general public, and not well connected to cycle paths. The 'servant's entrance to the city' is the only cycle route in that is off-road. This is the one the travels past where Parson's pleasure once operated. One day the idea that we close that particular cycle and walking route on two days each year, just so that it does not become a right of way, will appear as ridiculous as the original purpose of Parson's Pleasure.

The debate over traffic calming in Oxford has often been tortuous to watch. At times, local councillors have had to remind their colleagues of why all this matters so much. It is not just about making the city greener and traffic moving more efficiently. It is also about safety, especially safety for older people and children. On February 14th 2023 in one county council debate, when the county was setting its budget for the year, one councillor had to remind her colleagues about why Oxford needs to be a safer city:

Cllr @RosalindRogers

(LD, Headington): "I had to watch a friend of mine hit by a car at 30mph when I was 9. If she had been hit at 20mph she might have survived."

(Source: <https://twitter.com/oxfordclarion/status/1625514240231501825>)

The next stage will be the introduction of six new bus gates. They are officially called traffic filters because a large number of other vehicles will be allowed through them, including the private cars of local residents up to

100 times a year for free. However, their main purpose is to ensure that buses can travel smoothly, especially during rush hours.

Figure 6: The next six bus gates or ‘traffic filters’ – planned for experimental introduction

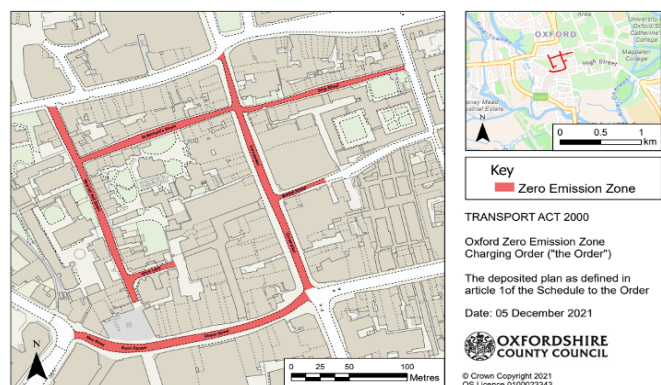


Source: <https://letstalk.oxfordshire.gov.uk/traffic-filters-2022>

No doubt there will be much debate as these are introduced. In that debate it is worth remembering that this development is mainly about buses. It is also about what has to change before a great many new buses can be added to the low or zero carbon fleet in Oxford (see Figure 7 for where only zero emission vehicles travel freely). As the Central Oxfordshire Travel Plan (COTP) makes clear: “Working with local bus operators, we will roll out a fleet of zero emission buses across the area. Funding awarded through the Zero Emission Bus Regional Areas (ZEBRA) scheme together with council and bus operator funding, will see the first phase of this ambition realised through the delivery of 159 electric local buses. Covering a large proportion of the COTP area, these buses will be used on routes in Oxford by 2024.”¹²

Figure 7: The existing (pilot) zero emission zone in the centre of Oxford

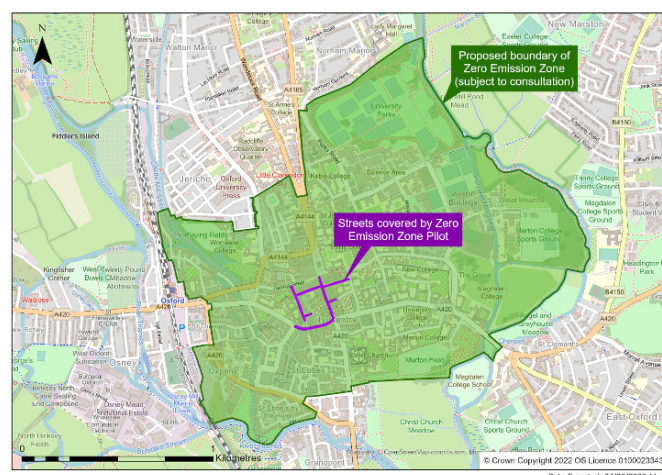
Zero Emission Zone Plan



There are other changes coming too. Oxford already has its first zero emission zone in operation. If you drive into the streets shaded red in Figure 7, without paying the levy, you will be fined. The levy is £10 a day unless you are driving a low emission vehicle (when it is then £8), ultra-low (a levy of £4) or zero (£0). All these levies are set to double by 2025. A £60 fine is possible if the levy is not paid; but it can be halved if you pay the fine promptly.¹³ Figure 8 shows where the scheme is set to be expanded to,

but as yet no date set for the public consultation on this proposal.

Figure 8: The proposed extension of the zero emission zone in the centre of Oxford



You can try to imagine how these proposals will change life in the city but it can be hard to do so. Maybe students in most colleges in future will no longer so often be dropped off and picked up at the start and end of each term by parents driving cars – unless that is they pay the various levies to do so. Instead, their responsible adult(s) will be able to say goodbye to them at the park and ride car parks on the outskirts of the city when they drop them off with their luggage to take the last leg of their journey on the bus. It’s better if University folk mix a little more with others and if students get to use a bus early on in their time in the city.

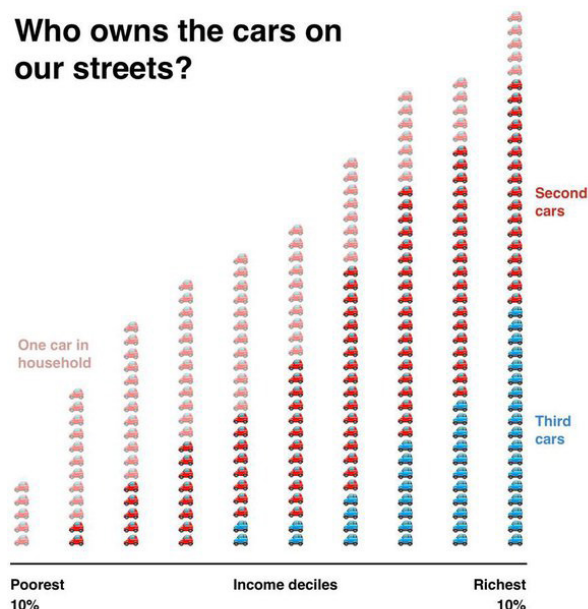
You may live outside of the city and if you already travel by public transport think that all these changes will not have a great effect on you, but Oxfordshire is also changing, not just Oxford. In February 2023 20mph limits were approved for much of Kidlington, Chilton, Church Hanborough, Kingston Lisle, Milton-under-Wychwood, North Hinksey, South Leigh, and Binsey Lane (on the edge of Oxford)¹⁴. The era of Toad of Toad Hall is coming to an end.

In 2018 two thirds of the poorest tenth of households in the UK did not have a car, half of the next poorest tenth had no car. These proportions will be higher in Oxford as car ownership is much less common in the city than it is in the UK as a whole. In contrast, almost 95% of the best-off fifth of households have a car, with three quarters of these households having two or even three or more cars each!¹⁵ The graph below (Figure 9), drawn by Charlie Hicks, makes the inequality more obvious.¹⁶ Often the debate about traffic routing is presented as if it is a battle between affluent upper-middle-class eco-greens on their cargo bikes, verses honest working class folk in their cars. But what is actually happening in Oxford is a change to make it possible to run a bus service well. Of course, how Oxford attracts and houses enough bus drivers and mechanics, people to clean the buses and the streets and all the other hundreds of jobs required to make a city work well is another question. In October 2022 the cutting of bus services in Oxford due to problems of recruiting drivers was reported by the BBC. The excuse given for delaying recruitment was not terribly plausible: ‘The Oxford Bus Company said there was a nationwide shortage of bus

drivers and added a planned recruitment event in September had to be cancelled when the Queen died.’¹⁷ However, if in future the job of being a bus driver in Oxford is made better, by not having to spend so much of your day sitting in traffic dealing with upset and delayed customers, perhaps retaining drivers will become easier?

Figure 9: The distribution of who owns cars in the UK by household income

Who owns the cars on our streets?

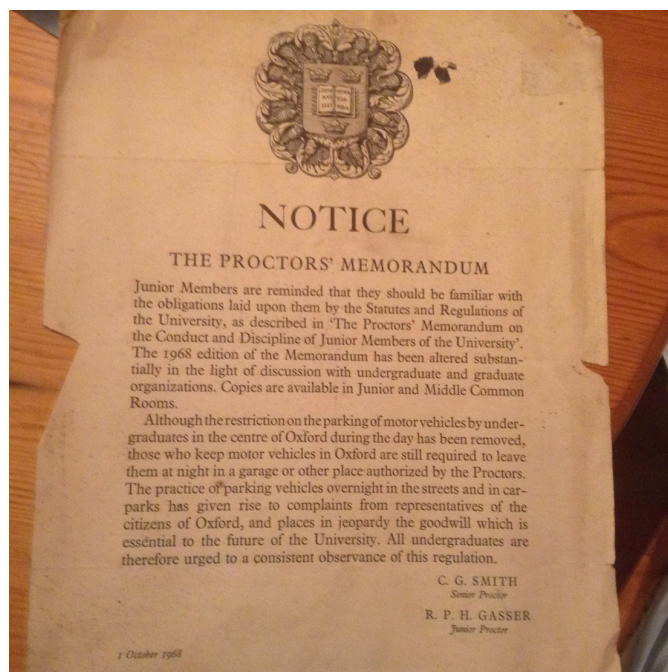


It is often said that those most in favour of new traffic calming measures in Oxford are many of the well-off residents of the city. However, while some of this group might benefit from having less traffic outside of their own homes, or feeling that they were safer when they or their children cycled, this group are not those who suffer the most from the current situation. The group most badly affected by the current situation are people who rely on buses to commute into, out of, and across the city. That is the group who have the most to gain. In theory, in future, they could have a smoother and faster commute than car drivers. Were that to happen then the premium that people pay for the convenience of living in the city might fall, and the house prices of those who have seen their streets become quieter might not rise as much as they might anticipate.

The suggestion that one day Oxford could have a reliable, cheap, and very frequent bus service is usually greeted with great scepticism; but it is not even a possibility without bus gates. It has been over three years since it was first announced that the city aimed to become: ‘Britain’s first all-electric bus town’¹⁸ At the very end of January 2023 the £82.5 million deal was finally signed.¹⁹ The first of 159 new battery powered electric buses arrives in Oxfordshire in September 2023. Central government are paying £32.8 million of the cost of the buses and the infrastructure to charge them. The County Council have committed £6.0 million, and the bus companies £43.7 million. When I tell people this, the most common reply I receive is: “I’ll believe it when I see it”. The central government funding was contingent on the new bus gates being introduced.

Few people argue that they would rather have diesel buses idling in traffic jams. For some, it is the reduction in air pollution that matters most, for others it is the climate change impacts. For me, I will be thinking of that Somerville graduate who spent a couple of her teenage years up looking at who then sat on the buses in Oxford and was reported (by *The Economist*) many years later in 1986 to have said: ‘If a man finds himself a passenger on a bus having attained the age of 26, he can count himself a failure in life.’²⁰ Perhaps one of the new buses should be named after her? Far more appropriate than naming a wing of a college or department after such a person.

Figure 10: Proctor’s Memorandum on cars and the behaviour of undergraduates, 1/10/1968



We each have our own perspective. Depending on how, where and when we travel, some of us have already noticed a reduction in traffic jams and often attribute this to the covid pandemic and the increase in home working. But an analysis by the *Sunday Times* found that so many people were using their cars after the pandemic, rather than public transport, that average speeds had reduced by 2.5mph.²¹ In Oxford it varies more by road and time of day than in many places. Oxford also has a remarkably large number of private schools and you can tell when their terms times are by how full the roads are in the morning and afternoon. Those who currently drive their children a long way from their home to a private school may not welcome the bus gates.

There is much more happening. A parking levy for businesses is due to come into force in Oxford in 2023 which should also reduce traffic (see Figure 10 for a much older one).²² There are issues about E-Scooters and cyclists, not least the huge number who arrive in Oxford from abroad each autumn and have to newly learn which side of the road, or cycle track to be on! There is the complexity of trying to explain that when the bus gates (‘travel filters’) are introduced they will not just allow buses to pass in the hours that they are at first operating, but also coaches, taxis, private hire vehicles, mopeds, motorbikes, vans, lorries, anyone with a blue badge in their car, anyone driv-

ing (by car) who cares for anyone else when they are driving to or from them, any cars used as goods vehicles, and any local residents who obtain a permit (with a maximum of three permits per household and 100 days free use a year). The scheme will not begin until 2024.²³

Finally, I am left wondering one last thing. Why did the police name their horses after the Germanic Wilma (meaning ‘resolute protector’) and Nordic Odin (which translates as ‘raging and frenzied’)? There was once a time when there were far more horses on Oxford’s streets. People then said that it would always be so. Maybe we’ll see a few more horses in future? There was a time when the city of Oxford had trams. The country is currently too poor for that to be a possibility again, but maybe one day? The last figure include in this short article (Figure 10) is a note posted by the Proctors in October 1968. Times do change, albeit slowly.

1. <https://www.oxfordshirelive.co.uk/news/oxfordshire-news/oxford-ltn-15-minute-city-8165191>
2. <https://www.oxfordmail.co.uk/news/23331892.lewis-star-laurence-fox-stonehenge-druid-piers-corbyn-march/>
3. <https://www.oxfordmail.co.uk/news/23331850.anti-ltn-climate-lockdown-protest-brings-thousands-oxford/>
4. <https://www.news.com.au/technology/online/social/12yo-goes-viral-after-pushing-false-15minute-city-conspiracy-theory-during-protest/news-story/c739a36a877c9049d0805db78ff9329>
5. <https://www.oxfordmail.co.uk/news/23107622.botley-road-closure-must-not-clash-bus-gates-councillors-warned/>
6. <https://www.oxfordmail.co.uk/news/23068426.residents-back-oxford-traffic-filters-two-one/>
7. Dorling, D. (2016) *The Wind and the Willows*, Oxford Civic Society Visions Newsletter, July, pp.5-6, https://www.oxcivicsoc.org.uk/wp-content/uploads/2016/10/201607_visions.pdf
8. <https://reconnectingoxford.weebly.com/east-oxford-ltn.html>
9. <https://www.cyclestreets.net/localauthorities/CycleStreetsLocalAuthoritiesBrochure.pdf>
10. <https://www.lowtrafficneighbourhoods.org/map/ltnstatistics/#11.92/51.73739/-1.2012>
11. <https://www.lowtrafficneighbourhoods.org/map/ltnstatistics?type=wards/#11.92/51.73739/-1.2012>
12. Page 33 of the Central Oxfordshire travel plan: <https://letstalk.oxfordshire.gov.uk/central-oxfordshire-travel-plan>
13. <https://www.oxfordshire.gov.uk/residents/roads-and-transport/oxford-zero-emission-zone-zez/about-zero-emission-zone>
14. <https://twitter.com/OxfordClarion/status/1628738874569633792>
15. <https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/expenditure/datasets/percentageofhouseholdswithcarsbyincomegrouptenureandhouseholdcompositionuktablea47>
16. https://twitter.com/Charlie_Hicks_/status/1570355513522810882
17. <https://www.bbc.co.uk/news/uk-england-oxfordshire-63255759>
18. https://www.oxford.gov.uk/news/article/1314/oxford_applies_for_funding_to_become_britain_s_first_all-electric_bus_town
19. <https://www.oxfordbus.co.uk/deal-signed-bring-159-electric-buses-oxfordshire>
20. <https://www.theguardian.com/theguardian/1999/nov/10/transport> quite when and exactly what words she used in this quip are hard to pin down, and she was certainly not the first to have made this ‘joke’. The Economist’s dating is given here: <https://fullfact.org/news/margaret-thatcher-bus/>

21. <https://www.thetimes.co.uk/article/weekend-traffic-slower-than-the-rush-hour-crawl-after-covid-t2ljgnp3n>
22. <https://www.bbc.co.uk/news/uk-england-oxfordshire-59939201>
23. <https://www.headingtonliveablestreets.org.uk/oxfordshire-county-council-cabinet-approves-the-central-oxfordshire-travel-plan-and-traffic-filter-scheme/>

REVIEWS

The portrait of a lady

Maggie O'Farrell, *The Marriage Portrait* (Tinder Press, 2022), £25.



One of the most powerful and vivid poems of the Victorian age is Robert Browning's 'My Last Duchess', subtitled 'Ferrara'. It is in his collection *Men and Women* (1855), and describes the visit of an emissary who is arranging a marriage to someone like Alfonso II d'Este, Duke of Ferrara. The Duke shows him the portrait of his wife, usually hidden behind a curtain, and explains how she met her death, with the suggestion, revealed either accidentally or deliberately, that he murdered her. This will not put a spanner in the works of the proposed marriage though. At the end of *The Marriage Portrait* Maggie O'Farrell mentions the Browning poem, and admits that Alfonso and his wife Lucrezia, daughter of Cosimo I de' Medici, are the inspiration for the novel. She has done a fictional version of historical characters. The chronology is all jumbled up; I wish novelists wouldn't do that. The wall-to-wall presentism gets on my nerves.

The novel is on the whole a good and engaging read, and the author has the gift of evoking extreme states of mind and environments, natural and man-made, pregnant with delightful and threatening atmospheres. This is late Renaissance, in the middle of the sixteenth century, and O'Farrell is fully aware of the positives and negatives of life then, of which the most negative aspect is that aristocratic women, although leading largely comfortable lives, were very constrained, especially when the responsibility to produce heirs fell on them. English dramatists shortly after projected the malign images of Italy in plays such as *The White Devil*, *The Duchess of Malfi*, *The Changeling* and *Women Beware Women*.

Women Beware Women dramatizes the scandalous history of Bianca Cappello, second wife of Francesco I de' Medici, Duke of Florence – Cosimo's son. (There's an Alessandro Allori portrait of her, but she's no oil-painting).

The country villas present what seem at first glance to offer the closest one can get to paradise on earth, replicated a century or two later by the English country house. And yet violence and repression can dwell there, and this haunts *The Marriage Portrait*. Boccaccio's *Decameron* from an earlier century presents an image of a perpetually enjoyable sexual carnival, but he couldn't gloss over the restrictive lives led by women:

'The ladies... are forced to follow the whims, fancies and dictates of their fathers, mothers, brothers and husbands, so that they spend most of their time cooped up within the narrow confines of their rooms, where they sit in apparent idleness, wishing one thing and at the same time wishing its opposite, and reflecting on various matters...'

O'Farrell quotes this as a preamble to her novel.

O'Farrell presents an accomplished literary portrait of Lucrezia, which is the equivalent of the imaginary portrait produced by the Ferrarese painter Sebastiano Filippi, (Il Bastianino) (c. 1536-1602). His works don't inspire confidence and he's really not much cop; tuition from Michelangelo didn't do him any good. Lucrezia has a distinct and highly unusual identity. There is also a strong literary portrait of Alfonso, who exhibits all the aspects of the Machiavellian princeling – decisive, suspicious, concentrated, ingenious, brutal and merciless.

As early as 1860 in *The Civilization of the Renaissance in Italy* Jacob Burckhardt realised that all that cultural efflorescence was built on the foundations of guile and cruelty. One is reminded of what Walter Benjamin said: 'There is no document of civilization that is not at the same time a document of barbarism.' When we look at the compelling portrait by Bronzino of Lucrezia Panciatichi in the Uffizi, and his various Medici portraits, we have a sense of strained and complex lives, and wonder what it must have been like to inhabit their skins. O'Farrell strives for authenticity by dropping in Italian words, such as *giubbone* (jacket), *evirati* (castrati), *chioppa* (butt cheeks), *fortezza* (fortress) and *imprimatura* (under-painting) – which drive one to click the mouse. At which point one wonders why they are not speaking Italian.

But; there's always a but. We have a strong impression that O'Farrell has inhabited and invented a past on her own terms, and it is not always as reliable as it should be. She admits in the 'Author's note' that after the age of five Lucrezia lived not in the Palazzo Vecchio in Florence but the Pitti Palace, which she has changed for novelistic convenience. Other changes have been demanded by 'narrative cohesion'. This saps one's faith in the value of what is being done. One's faith is further sapped by the anachronisms, and the feeling that there is an intrusive twenty-first-century consciousness running alongside Lucrezia's. When she enters Santa Maria Novella for her marriage this is her response:

'The building ahead of her is astonishing: she has never seen anything like it. A long stretch of red-tiled floor sweeps away from her, with pale

repeating arches on either side. Light enters at an oblique angle from invisible lofty windows, high above their heads, warming the apex of the arches, alchemising the white plaster to lozenges of gold. Candles gutter and flare piercing the dusk, each at the centre of their own glowing corona. The lines of the roof, the lines of the aisle lead the eye irrevocably all the way to an altar surrounded by painted saints with golden halos, and windows of many-coloured glass. (p. 131)'

One often wonders how worshippers in the Renaissance regarded a building such as this, but concludes, sadly, that their reactions are utterly and tantalisingly inaccessible. Here is Lucrezia: 'She is sensible of a glacial thread of air running along the ground' (p. 420) but has she ever seen a glacier, or, almost certainly, even knows what one looked like? More seriously there is this: 'These markings might, to the untrained eye, appear as stripes or cage-like bars, but to Lucrezia they are camouflage' (p. 414). Well, even if Renaissance people were aware that animals could be made less visible by their markings, the word itself is early twentieth-century, circa 1914/15.

A painter is said not to see 'a person' but 'an arrangement of shapes, an intersection of planes and angles, a meshing of light and shade.' (p. 272). It's tempting to think that there were Medieval and Renaissance painters who were proto-Whistlers and proto-Braques, but one should resist succumbing to the temptation. I have already quoted Henry James in this magazine (No. 358); I shall quote him again:

'You may multiply the little facts that can be got from pictures and documents, relics and prints, as much as you like – the real thing is almost impossible to do, and in its essence the whole effect is as nought: I mean the invention, the representation of the old CONSCIOUSNESS, the soul, the sense, the horizon, the vision of individuals in whose minds half the things that make ours, that make the modern world were non-existent. (Letter to Sarah Orne-Jewett, 5 October 1901).'

There's one howler, and it's a wonder that one of the 36 people mentioned in the acknowledgements did not point it out, when the doctor (p. 390) refers to circulation of the blood. It's 1561. This was famously discovered by William Harvey in the early seventeenth century.

This takes us back to Browning, who also imaginatively entered the Renaissance, perhaps not always accurately. Some have been convinced by his visions, although Ernst Gombrich opined that there was no such person as the retrogressive Prior in 'Fra Lippo Lippi'. Perhaps there were Bishops like the one who orders his tomb at St. Praxed's in that Browning poem, but it's more the case that he is refracted through nineteenth-century eyes, via Evangelical points of view. We accept these personal versions more in short

poems than an extended novel. Although we should not forget that Browning really extended himself in *The Ring and the Book*, as if he felt novelists were breathing down his neck.

A good deal of the psychic energy in *The Marriage Portrait* seems to derive from 'My Last Duchess' and there are even phrase-echoes. When the artist is looking at Lucrezia he says, "although how I will ever find the paint to reproduce that flush along her throat?" (p. 329), at which point we are not far off Browning's "Paint / Must never hope to reproduce the faint/ Half-flush that dies along her throat." When the portrait is done Alfonso says "It is a wonder" (p. 378). Browning has the Duke say, "I call/ That piece a wonder." Even a single word can remind one of the poem, as when Lucrezia wants to ask her husband, "Have you tried kindness instead of commands?" (p. 241) echoing his sinister reflection in 'My Last Duchess', "I gave commands; / Then all smiles stopped together." Lucrezia is given a white mule, and in the poem we find "the white mule/ She rode with round the terrace."

There's an arch moment on p. 337 when the Duke says that Lucrezia is his "first duchess", as if he has already read the Browning poem. On the whole one might be better off reading the 'My Last Duchess', and let it stop there, then venturing into some more substantiated history. It's possible that when Alfonso's sister Elisabetta and her lover Ercole Contrari are riding just before he is murdered O'Farrell is dimly aware of Browning's poem 'The Last Ride Together': "So, one day more am I deified. / Who knows but the world may end to-night?" There's nothing in *The Marriage Portrait* quite as good as Browning's Duke saying to the emissary:

*I repeat,
The Count your master's known munificence
Is ample warrant that no just pretence
Of mine for dowry will be disallowed;
Though his fair daughter's self, as I avowed
At starting, is my object.'*

Some historical novelists would drop into the text the fact that Lucrezia's dowry was the equivalent of £50 million in today's money, but O'Farrell does at least have the tact to relegate this fact to the Author's note.

BERNARD RICHARDS

A fascinating book

Bruce A. Kimball with Sarah M. Iler, *Wealth, Cost, and Price in American Higher Education* (2023, Johns Hopkins UP)



Over the past half-century the reputation of US HE has become tarnished – 'rising tuition and mounting student debt' has been 'decried' as at the same time 'the endowments and fundraising goals of the wealthiest colleges and universities soared'. This fascinating book explores how and why this state of affairs has arisen – 'the evolution of wealth, cost, and price in the non-profit sector of American higher education over the past 150 years'.

The concept of growing Endowment emerges from the 1870s – Columbia at \$4.6m in 1875 and \$13.3m by 1900: cf Harvard, \$1.6m and then \$12.6m; Cornell, \$1.3m and \$6.8m; Yale, \$0.3m and \$4.9m. (But note Stanford, newly-created, surging into top position at \$18m by 1900) The book's Appendix 9 gives the 100 largest Endowments at 2020: Harvard, \$41b; Yale, \$31b; Stanford, \$29b; Princeton, \$27b; MIT, \$18b...Columbia, \$11b...Cornell, \$7b... the bottom 45 or so at \$2b or less. And as for Oxford & Cambridge? – say, \$15b each? (But, uniquely for elite Us, we divert, via the Colleges, much more of that Endowment into undergraduate teaching – The Oxford Tutorial!)

The idea of the 'Annual Alumni Fund' developed at the turn of the century; followed by 'Fundraising Drives' – over here we have not yet got into the former, and only really grasped the latter in the past 30 years or so (although we have always chased individuals as potential donors as the third route to Endowment growth – think, eg, Nuffield). The management of that Endowment also developed – better accounting, the 60/40 equities/bonds concept, Modern Portfolio Theory, the Swenson Yale Model of investment in private equity and venture capital as 'alternative assets', and 'total return' investment strategies.

Similarly ideas developed as to the economics of delivering HE – Baumol/Bowen and the 'cost-disease theory' as the 1960s 'exculpatory' explanation for HE's soaring spend being supposedly 'unpreventable and incurable' in that this 'Cost-Disease

Shield' declared that a service-industry like HE could not achieve productivity gains as a way to control costs. But after a decade of further inflation in HE costs another Bowen (no relation) came up with a different theory on the economics of HE – 'the revenue theory of cost' whereby institutions just 'Raise All They Can' and then 'Spend All They Raise'! They are cookie monsters gobbling all cookies they can find.

In 2011, however, Robert E. Martin came up with what, in my view, is the best analysis of why HE is useless at achieving productivity gains, controlling costs, holding down tuition fees, etc – a network of misaligned incentives gives rise 'to a revenue-to-cost spiral in higher education' ('The College Cost Disease: Higher Cost and Lower Quality' as the one book new Uni Presidents and Uni Board Members should read!).

Kimball asserts that by the 2020s US HE has been caught up in a destructive and counter-productive 'positional arms-race' fighting over 'the prestige pecking order', over 'honour' and 'reputational capital' – where key questions for Society are not asked let alone answered, such as: 'Does each additional dollar spent on higher education increase educational quality, excellence, or value as much as a dollar spent on preschool education? (or, similarly, does each additional dollar spent on 'elite' Us achieve as much for Society and the Economy, for Culture and Civilisation, as the same dollar spent in 'less endowed and less prestigious institutions'?).

Thus, the elite Us seemed 'greedy' and 'their reputation in the polity and society turned malodorous' – and then the unthinkable happened when Congress 'targeted the jewels of American higher education with the retributive TCJA excise tax' on their Endowments. Kimball comments that: 'Sharing their cookies in the short run would save them in the long run.' Sadly, he concludes, the 'dismaying prospect' is 'one must expect that the highest caste of colleges and universities will continue their scramble to grab all the cookies they can and leave it to Congress to rein in the free-for-all'.

DAVID PALFREYMAN

NOTICE

The Editors of the *Oxford Magazine* regret that they cannot publish any material submitted to them anonymously. If the author requests publication on the basis that the author's name and university address be withheld from the readership, the Editors will consider the reasons given and in their discretion may publish on that basis; otherwise the material will be returned to the author.

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